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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,886	12/19/2001	Brett D. Rasmussen	B-057	2226
7590	05/13/2005		EXAMINER	
Alan D. Kirsch INEEL P.O. BOX 1625 Idaho Falls, ID 83415			SCHUBERT, KEVIN R	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/028,886

Applicant(s)

RASMUSSEN, BRETT D

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-22 have been considered.

#### *Specification*

5           The specification is objected to because it does not give proper basis for claim 2. As described by 37 CFR 1.75 (d)(1), "the claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description." The specification describes how an electronic signature is generated using  
10 certificates (bottom of page 8, top of page 9). The specification does not disclose how an electronic signature comprises a certificate. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

15           The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20           Claim 2 is rejected under 35 U.S.C. 112, second paragraph. As described in the MPEP, "The meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import...No term may be given a meaning repugnant to the usual meaning of the term" (See MPEP 608.01 (o)).

25           The claim discloses a limitation which is contrary to the specification and the commonly accepted use of the terms in cryptography. The applicant claims that "said electronic signature comprises...a certificate". The specification describes how an electronic signature is generated using certificates (bottom of page 8, top of page 9). This idea is well-known in the art and accomplished by the certificate providing a key for use in generating the signature. However, the specification does not describe how an electronic signature comprises a certificate. This implies that the certificate itself is signed. Appropriate correction of the claim or amendment to the specification is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5 A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15 Claims 1-7,10, and 12-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Dray, U.S. Patent Application Publication No. 2002/0184485.

As per claims 1,12, and 15, the applicant describes an apparatus for electronically signing a hypertext markup language form comprising the following limitations which are met by Dray:

20 a) one or more computer readable storage media ([0070] to [0077]);

b) computer executable code stored in the one or more computer readable storage media, the computer executable code comprising:

i. code for loading and displaying said hypertext markup language form ([0070] to [0077]);

25 ii. code for generating an electronic signature for information in said hypertext markup language form from within a browser ([0070] to [0077]);

iii. code for verifying an electronic signature attached to said hypertext markup form ([0070] to [0077]).

30 As per claims 2 and 17, the applicant describes the method of claims 1 and 15, which are met by Dray, with the following limitation which is also met by Dray:

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Wherein said electronic signature comprises a public key infrastructure digital certificate ([0077]).

As per claim 3, the applicant describes the method of claim 1, which is met by Dray, with the following limitation which is also met by Dray:

5           Wherein said hypertext markup language form comprises at least one data field ([0071]).

As per claim 4, the applicant describes the method of claim 3, which is met by Dray, with the following limitation which is also met by Dray:

Wherein said electronic signature is generated for data in said at least one data field ([0073]).

10

As per claims 5 and 19, the applicant describes the method of claims 3 and 15, which are met by Dray, with the following limitation which is also met by Dray:

Further comprising merging data in said at least one data field with said hypertext markup language form to create a merged form ([0073],[0074]).

15

As per claim 6, the applicant describes the method of claim 3, which is met by Dray, with the following limitation which is also met by Dray:

Wherein said electronic signature is generated for said merged form ([0073],[0074]).

20

As per claim 7, the applicant describes the method of claim 1, which is met by Dray, with the following limitation which is also met by Dray:

Further comprising attaching said electronic signature to said hypertext markup language form ([0062]).

25

As per claims 10 and 18, the applicant describes the method of claims 7 and 15, which are met by Dray, with the following limitation which is also met by Dray:

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Further comprising transmitting said hypertext markup language form with said attached electronic signature to a web server ([0074]).

As per claim 13, the applicant describes the method of claim 12, which is met by Dray, with the following limitation which is also met by Dray:

Further comprising indicating whether said electronic signature matches said stored electronic signature ([0077]).

As per claim 14, the applicant describes the method of claim 12, which is met by Dray, with the following limitation which is also met by Dray:

Further comprising displaying information about said stored electronic signature ([0076],[0077]).

As per claim 16, the applicant describes the apparatus of claim 15, which is met by Dray, with the following limitation which is also met by Dray:

Wherein said code for generating said electronic signature comprises plugin code for said browser ([0073]);

The plugin code is the signature processing code provided to the user by the server.

As per claim 20, the applicant describes the apparatus of claim 19, which is met by Dray, with the following limitation which is also met by Dray:

Wherein said code for merging data does not interfere with posting of said at least one field to a server application ([0073] to [0076]).

As per claim 21, the applicant describes the apparatus of claim 15, which is met by Dray, with the following limitations which are also met by Dray:

a) code for generating a new electronic signature for said information in said hypertext markup language form ([0077]);

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b) code for comparing said new electronic signature with said electronic signature attached to said hypertext markup language form ([0077]).

As per claim 22, the applicant describes the apparatus of claim 15, which is met by Dray, with the following limitation which is also met by Dray:

Wherein said code for loading and displaying said hypertext markup language form displays said hypertext markup language form in a first frame and displays at least one user interface button in a second frame, said at least one user interface button for initiating said code for generating said electronic signature and said code for verifying said electronic signature ([0077]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dray in view of Mullen-Schultz, U.S. Patent No. 6,393,462.

As per claim 8, the applicant describes the method of claim 7, which is met by Dray, with the following limitation which is met by Mullen-Schultz:

Wherein said attaching comprises appending a digital signature onto the end of a file containing said hypertext markup language form in a comment tag (Mullen-Schultz: Col 15, lines 16-20);

Dray discloses all the limitations of claim 7. Dray also discloses appending a digital signature to the end of a file. However, Dray does not disclose that the html form is in a comment tag.

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Mullen-Schultz discloses a similar system in which a signature is appended to a file in a comment tag. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Mullen-Schultz with those of Dray and append a digital signature in a comment tag because doing so allows for a convenient place to store a digital signature when a user wanted the digital signature to be appended to a file.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dray in view of Mullen-Schultz in further view of Odamura, U.S. Patent No. 6,763,248.

As per claim 9, the applicant describes the method of claim 8, which is met by Dray in view of Mullen-Schultz, with the following limitation which is met by Odamura:

Wherein said attaching further comprises prepending a text header onto said file in another comment tag (Odamura: Col 13, lines 49-54);

Dray in view of Mullen-Schultz disclose all the limitations of claim 8. However, Dray in view of Mullen-Schultz does not disclose the addition of a text header onto the file in another comment tag.

Odamura discloses the use of prepending a text header in a comment tag which gives information on how the receiver should handle the file. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Odamura with those of Dray in view of Mullen-Schultz because doing so allows a comment tag to be prepended to a file to give instructions on how to handle the file.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dray in view of Hamilton (Hamilton, Heather. Online HTML Manual. "Creating Forms for Fun and Profit". 1999. <http://www.talltech.com/student/imos99/studentweb/Heather/Manual/DataMan11.htm>).

As per claim 11, the applicant describes the method of claim 10, which is met by Dray, with the following limitation which is met by Hamilton:



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Wherein said transmitting to said web server comprises transmitting to a web server for processing by a common gateway interface script (Hamilton: page 1);

Dray discloses all the limitations of claim 10. However, Dray does not disclose that the web server processes data according to a common gateway interface script.

5           Hamilton discloses that common gateway interface script is a common method for processing forms on a server. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Hamilton with those of Dray because common gateway interface script is a common method for processing data on a server.

10

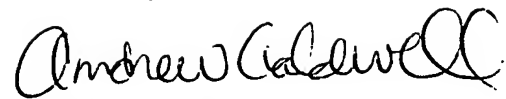
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
15   Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through  
20   Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, reading "Andrew Caldwell". The signature is written in a cursive style with a large, stylized "C" at the end.

**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**